

Message Text

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PAGE 01 SANTIA 04186 162020Z

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ACTION IO-14

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PA-04 PRS-01 SP-03 SS-20 USIA-15 SY-04 USSS-00 EB-11

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SUBJ: PENALTIES FOR TERRORISM INCREASED

1. SUMMARY. NEW DECREE LAW ESTABLISHES SEVERE PENALTIES "IN TIME OF WAR" FOR TERRORIST ACTS AND RELATED CRIMES. PENALTIES DURING PEACETIME ALSO INCREASED AND MADE MORE SPECIFIC. END SUM.

2. DECREE LAW 559 DATED JULY 8, 1974 AND PUBLISHED IN DIARIO OFICIAL OF JULY 12 AMENDS INTERNAL SECURITY LAW, ARMS CONTROL LAW, AND 1931 AIRCRAFT NAVIGATION CODE. NEW PROVISIONS PRINCIPALLY ESTABLISH PENALTIES FOR TERRORIST-TYPE CRIMES COMMITTED "IN TIME OF WAR," A LEGAL SITUATION WHICH WAS DECLARED SEPT 11 AND IS STILL IN EFFECT. FOR CRIMES SUCH AS KIDNAPPING, DESTRUCTION OF PUBLIC INSTALLATIONS RESULTING IN SERIOUS INJURY OR DEATH OF PERSONS, AND CARRYING MACHINEGUNS OR SIMILAR WEAPONS, LONG PRISON TERMS OR DEATH PENALTY CAN BE IMPOSED.

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PAGE 02 SANTIA 04186 162020Z

3. DECREE LAW ALSO CARRIES CATCH-ALL CLAUSE DEFINING CRIME OF "ALTERING INSTITUTIONAL ORDER OR PUBLIC SECURITY OR INTIMIDATING CITIZENS OR THREATENING THE LIFE OR PHYSICAL INTEGRITY OF CITIZENS;" IN CASE PERSONS SHOULD DIE DURING SUCH EVENTS, DEATH PENALTY CAN BE IMPOSED.

4. WHILE MOST PENALTIES FOR THESE CRIMES DURING TIME OF PEACE REMAIN UNCHANGED, A FEW WERE INCREASED. PENALTY FOR "PROPAGATING FALSE INFORMATION," FOR EXAMPLE, WAS INCREASED FROM 541 DAYS/5 YEARS TO 3/5 YEARS. IN MANY CASES, A MORE DETAILED DEFINITION OF CRIME WAS PROVIDED. SIMPLE AIRCRAFT HIJACKING, FOR EXAMPLE, IS NOW PUNISHABLE BY 10 TO 15 YEARS IN PRISON; HIJACKING WITH VIOLENCE IS 15 TO 20 YEARS; HIJACKING RESULTING IN DEATH IS PUNISHABLE BY 15 TO 20 YEARS UP TO AND INCLUDING DEATH PENALTY.

5. SPECIAL PROVISION ALLOWS EXEMPTION FROM PENALTIES FOR THOSE WHO TURN STATE'S EVIDENCE AND WHOSE ACTION RESULTS IN DETECTION AND PREVENTION OF ABOVE TYPES OF CRIMINAL ACTS.

6.. COMMENT. DECREE LAW MAKES PENALTIES EVIDENCE, IF THERE WAS ANY DOUBT, TO WOULD-BE TERRORISTS, BUT DECREE LAW SHOULD NOT BE INTERPRETED AS INDICATION GOC EXPECTS IMMINENT OUTBREAK OF TERRORISM. CATCH-ALL CLAUSE IS BROAD ENOUGH TO COVER NEARLY ANY SITUATION GOVT WISHES, INCLUDING STREET DEMONSTRATIONS AND LABOR STRIFE.

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